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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,466	07/13/2004	James Clarence Johnson		4465

7590 03/07/2006

James C. Johnson
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Conyers, GA 30094

EXAMINER

KAYES, SEAN PHILLIP

ART UNIT PAPER NUMBER

2841

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/710,466	Applicant(s) JOHNSON, JAMES CLARENCE	
	Examiner Sean Kayes	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (US 2003/0076746.)

3. With respect to claim 1 Palmer discloses a device having the appearance of a clock, comprising: numerals (P1, picture I.) placed in a pattern and hands or pointing devices arranged to mimic a conventional clock, having both long and short hands (P2 picture I.); and means (P3, the knob) provided for changing the position or appearance of position of the pointing devices (adjustment can also be performed by moving the hands, P2, themselves.)

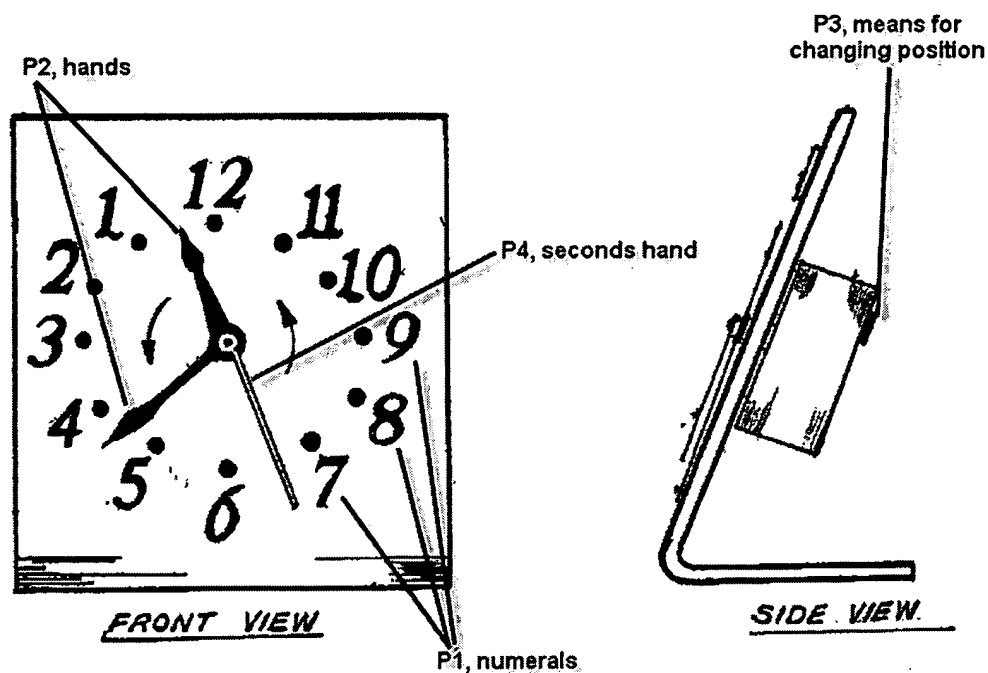
4. Palmer does not disclose the word WEEKS predominately displayed. It would be obvious to include any printable subject matter on a clock.

5. At the time of the invention it would have been obvious to one skilled in the art to to predominately display the word WEEKS on the Palmer's clock.

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6. The suggestion or motivation for doing so would be to personalize the clock for a user. For instance if a person is named "Weeks" or if a business is named "weeks" it would be desirable to have a clock that represented that fact.

I.



7. With respect to claim 7 Palmer discloses a device having the appearance of a clock, comprising: numerals (P1 picture I.) placed in a pattern and hands (P2 picture I.) or pointing devices arranged to mimic a conventional clock, having both long and short hands (P2); and means (P3 and see rejection above) provided for changing the position or appearance of position of the pointing devices.

Palmer does not disclose the word DAYS predominately displayed. It would be obvious to include any printable subject matter on a clock.

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At the time of the invention it would have been obvious to one skilled in the art to to predominately display the word Days on the Palmer's clock.

The suggestion or motivation for doing so would be to personalize the clock for a user. For instance if a person is named "Days" or if a business is named "Days" it would be desirable to have a clock that represented that fact.

8. With respect to claim 13 Palmer discloses a device having the appearance of a clock, comprising: numerals (P1) placed in a pattern and hands (P2) or pointing devices arranged to mimic a conventional clock, having both long and short hands (P2); and means (P3 and see above rejection) provided for changing the position or appearance of position of the pointing devices

9. Palmer does not disclose the word MONTHS predominately displayed. It would be obvious to include any printable subject matter on a clock.

10. At the time of the invention it would have been obvious to one skilled in the art to to predominately display the word "Months" on the Palmer's clock.

11. The suggestion or motivation for doing so would be to personalize the clock for a user. For instance if a person is named "Months" or if a business is named "Months" it would be desirable to have a clock that represented that fact.

12. With respect to claims 2, 5, 8, 11, 14, and 17 Palmer teaches the device of claims 1, 4, 7, 10, 13, and 16 further comprising a moving second hand (P4 picture I.) to mimic normal clock operation.

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13. With respect to claims 3, 6, 9, 12, 15, and 18 Palmer teaches the device of claims 2, 5, 8, 11, 14, and 17 wherein the second hand movement is accompanied by a ticking noise to simulate true clock operation. (The clock is a real clock. It would create a ticking noise associated with clock operation.)

14. With respect to claims 4, 10, and 16 Palmer teaches the device of claims 1, 7, and 13. Palmer does not teach wherein a blue color is used to associate the device with a male infant or a pink color is used to associate the device with a female infant.

The use of blue to indicate a male child is well known. Similarly the use of pink to indicate a female child is well known. Furthermore, changing the color of a clock to personalize it is well known.

At the time of the invention it would have been obvious to one skilled in the art to make a clock either blue or pink. The suggestion or motivation would be to personalize the clock, making it more desirable to a consumer.

15. Claims 1, 7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5058085) in view of Gilomen (US 5473580.)

16. With respect to claim 1 Lawler discloses a device having the appearance of a clock, comprising: numerals placed in a pattern and the word WEEKS predominately displayed. Lawler does not disclose and hands or pointing devices arranged to mimic a conventional clock, having both long and short hands; means provided for changing the position or appearance of position of the pointing devices.

Mechanical time pieces with long and short hands are very well known in the art. Gilomen teaches a clock with elapsed time keeping means and display comprising several long and short hands.

At the time of the invention it would have been obvious to one skilled in the art to replace Lawler's digital time keeping display with a conventional mechanical time keeping display complete with long and short hands as taught by Gilomen.

The suggestion or motivation would be to make the time keeping device more attractive.

17. With respect to claim 7 Lawler discloses a device having the appearance of a clock, comprising: numerals placed in a pattern and the word DAYS predominately displayed. Lawler does not disclose and hands or pointing devices arranged to mimic a conventional clock, having both long and short hands; means provided for changing the position or appearance of position of the pointing devices.

Mechanical time pieces with long and short hands are very well known in the art. Gilomen teaches a clock with elapsed time keeping means and display comprising several long and short hands.

At the time of the invention it would have been obvious to one skilled in the art to replace Lawler's digital time keeping display with a conventional mechanical time keeping display complete with long and short hands as taught by Gilomen.

The suggestion or motivation would be to make the time keeping device more attractive.

18. With respect to claim 13 Lawler discloses a device having the appearance of a clock, comprising: numerals placed in a pattern and the word MONTHS predominately

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displayed. Lawler does not disclose and hands or pointing devices arranged to mimic a conventional clock, having both long and short hands; means provided for changing the position or appearance of position of the pointing devices.

Mechanical time pieces with long and short hands are very well known in the art. Gilomen teaches a clock with elapsed time keeping means and display comprising several long and short hands.

At the time of the invention it would have been obvious to one skilled in the art to replace Lawler's digital time keeping display with a conventional mechanical time keeping display complete with long and short hands as taught by Gilomen.

The suggestion or motivation would be to make the time keeping device more attractive.

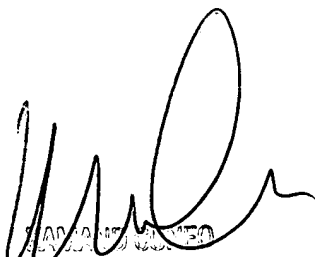
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK
2/17/06



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